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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,062	08/05/2003	Robert Hamilton	WEYE121482/25270(RP)	1309
28624	7590	11/02/2005	EXAMINER	
WEYERHAEUSER COMPANY INTELLECTUAL PROPERTY DEPT., CH 1J27 P.O. BOX 9777 FEDERAL WAY, WA 98063			GRAY, JILL M	
			ART UNIT	PAPER NUMBER
			1774	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/635,062

Applicant(s)

HAMILTON ET AL.

Examiner

Jill M. Gray

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/11/05, 4/7/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/19/04, 7/14/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of claims 32-38 in the reply filed on August 11, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Response to Amendment

The rejection of claims 1-19 under 35 U.S.C. 102(e) as being anticipated by Gatto US 2004/0170589 A1 is moot in view of applicants' amendments.

The rejection of claims 1-19 under 35 U.S.C. 102(e) as being anticipated by Warren et al, US 2004/0167479 A1 is moot in view of applicants' amendments.

The provisional rejection of claims 1-14 under the judicially created doctrine of obviousness-type double patenting is moot in view of applicants' amendments.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 32, 35, and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by George et al, 3,930,933 (George).

George teaches a method for producing easily fiberizable pulp sheet comprising providing a wet laid sheet of cellulose fibers, applying oil to the sheet and fiberizing the treated sheet, per claim 32. See abstract, column 1, lines 7-15 and claims 5 and 6. In addition, George teaches that the oil is of the type contemplated by applicants such as cottonseed oil and mineral oil, as required by claims 34 and 37. See column 3, lines 10-17.

Accordingly, the prior art teachings of George anticipate the invention as claimed in present claims 32, 35, 37.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over George et al, 3,930,933 (George) as applied above to claims 32, 35, 37, in view of Hervey et al, 3,554,863 (Hervey).

George is a set forth above but does not teach the specific type of cellulose fibers. Hervey teaches a method for forming a cellulose fiber sheet comprising impregnating the sheet with a debonding agent and fiberizing. See abstract. In addition, George teaches that the raw material suitable for the fibers to be pulped

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include wood fibers. It would have been obvious to modify the teachings of George by using as the cellulose fiber, wood fiber, motivated by the teachings of Hervey that said fibers could be suitably used in the formation of cellulose fiber sheets.

7. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over George et al, 3,930,933 (George) as applied above to claims 32, 35, and 37, in view of "Use of glycerine as a softener for paper products", hereinafter Lammle.

George is as set forth above but does not specifically teach that the oil is a triglyceride. Lammle, in his article teaches the application of glycerine as a softener to fibrous material. In addition, Lammle teaches that glycerine weakens the fibers bonding (page 2050) and that it can be used in pulp shredding operations. See page 2056. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the process of George by using as the oil a triglyceride, as taught by Lammle to improve the softness of the resultant product and enhance the fiberizing process.

8. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over George et al, 3,930,933 (George), as applied above to claims 32, 35 and 37.

George broadly teaches that mineral, vegetable, or animal oils can be used. The diversity of these oils would have provided a suggestion to the skilled artisan that other synthetic oils, such as petroleum or hydrocarbon oils could be used with a reasonable expectation of success of enhancing fiber debonding. Accordingly, it would have been obvious to use oils of the type claimed by applicants in claim 36 in the process of George, and result in enhanced debonding of the fiber sheet.

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Response to Arguments

9. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

No claims are allowed.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill M. Gray whose telephone number is 571-272-1524. The examiner can normally be reached on M-Th and alternate Fridays 10:30-7:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jill M. Gray
Primary Examiner
Art Unit 1774

jmg